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Mark A> Litman and Associates, P.A. York Business Center 3209 w. 76th Street Suite 205 Edina, MN 55435			HALL, ARTHUR O	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/623,223	GRAUZER ET AL.	
	Examiner	Art Unit	
	ARTHUR O. HALL	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30,37,38,43-45 and 55 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-30, 37-38, 43-45 and 55 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 09 October 2008 and 14 October 2008 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

Examiner acknowledges applicants' amendment of claims 1, 9, 19, 23, 30, 37, 43 and 55 and cancellation of claims 31-36, 39-42 and 46-54 in the Response dated 10/9/2008 directed to the Non-final Office Action dated 7/9/2008. Claims 1-30, 37-38, 43-45 and 55 are pending in the application and subject to examination as part of this office action.

Examiner acknowledges that applicants' arguments in the Response dated 10/9/2008 directed to the rejection set forth under 35 U.S.C. 103(a) in the Non-final Office Action dated 7/9/2008 are deemed moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth below in view of applicants' amendments, and in view of applicants' arguments.

Examiner acknowledges applicants' amendments of the specification directed to Examiners objection of the specification as set forth in the Non-final Office Action dated 7/9/2008, which obviate the objection to the specification. Therefore, Examiner withdraws further objection to the specification.

Examiner acknowledges applicants' amendments of the drawings directed to Examiners objection of the drawings with respect to Figures 9 and 10 as set forth in the Non-final Office Action dated 7/9/2008, which obviate the objection to the drawing.

Therefore, Examiner withdraws further objection to the drawing. However, Examiner sets forth a new ground of objection to the drawings with respect to Figures 9 and 10 as set forth below, which is necessitated by amendment.

Examiner acknowledges applicants' amendments of claims 1, 30, 43 and cancellation of claim 48 to resolve indefiniteness of the claims, which obviate the rejections under 35 U.S.C. 112, second paragraph described in the Non-final office action dated 7/9/2008. Therefore, Examiner withdraws further rejection under 35 U.S.C. 112, second paragraph.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The drawings continue to be objected to because applicants have apparently overlooked changing reference character 902 to 802 and reference character 916 to 816 and reference character 912 to 812 in Fig. 10 since applicants properly amended the specification to reflect these changes, but mixed up the changes in two Fig. 10 drawings submitted on 10/9/2008 and 10/14/2008. Examiner finds that Fig. 10 submitted on 10/9/2008 does not properly change reference character 902 to 802 nor reference character 912 to 812, and that Fig. 10 submitted on 10/14/2008 does not properly change reference character 902 to 802 nor reference character 916 to 816.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 103

Examiner sets forth new grounds of rejection under 35 U.S.C. § 103(a) with respect to amended features as described below because each of the features of

applicants' claimed invention as amended continues to be unpatentable or obvious over the prior art.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-13, 22-25, 29-30, 37-38, 43-45 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht (US Patent 6,250,632) in view of Johnson '085 (US Patent 5,683,085; hereinafter Johnson '085), and further in view of Huen (US Patent 5,240,140). Features are described by figures with reference characters where necessary for clarity.

At the outset, Examiner submits that a device merely "capable of" executing a process as recited by claims 1, 23, 30, 37, 43, 45, and 55 is intended use language and is not given patentable weight when evaluating the claims because the term "capable of" suggests or makes optional the steps recited, does not limit a claim to a particular structure and does not limit the scope of the claim (See MPEP 2106 II, C. Review the Claims). Therefore, Examiner submits that applicants' claims are interpreted as broadly as reasonably allowed in light of the specification in accordance with *In re Zletz* (See *In re Zletz*, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)).

Regarding claims 1, 23, 30, 37, 43, 45, and 55, Albrecht teaches

a device / automatic card shuffling device / automatic card shuffler for forming / randomizing / shuffling a random set or group of playing cards (column 4, lines 43-46 and column 6, lines 4-5 and Fig. 1a, 20, Albrecht; an automatic card sorter provides shuffling or quick randomizing of game cards) comprises:

a top surface and a bottom surface of said device (column 6, lines 37-40, column 9, lines 44-55, Fig. 2, 46 and Fig. 5b, R, Albrecht; the device is shown having a top surface at the deck removal area and bottom surface just below the rest position of the platform);

a housing capable of being mounted flush with a gaming table surface (column 6, lines 4-13, Albrecht; a housing is disclosed that is configurable to be, adaptable to be or capable of being mounted flush with a table surface since the shuffler is designed to encompass the size of playing cards);

a single card receiving area / card receiver / card receiving area / receiving area / in-feed compartment for receiving / accepting an initial set / group of unshuffled playing cards to be randomized / shuffled by insertion of cards from an opening level with the gaming machine / gaming table surface with access to the single card receiving area at the top surface (column 6, lines 42-48 and Fig. 2, 24, Albrecht; a holding area or single card receiving area receives unshuffled or unsorted cards that are to be shuffled or randomized, and it would have been obvious at the time of invention to try an implementation in which the holding area is accessed from the same top surface as the platform and deck removal area since Johnson '085 shows that a card holding area and card removal area are configured to have the same top surface (Fig. 3, Johnson '085));

a card moving mechanism for moving cards individually from the in-feed compartment into a single card mixing compartment that receives all cards during a randomization process (column 6, lines 63-67, Figs. 4a-4d, 60, 62, 64 and Fig. 2, 30, 84 and 84, Albrecht; a card feed mechanism or card moving mechanism includes spinning pick rollers or first card transfer mechanism and powered pick roller or second card transfer mechanism that transfer cards from the holding area into the card shuffling area or card mixing compartment in which cards are shuffled or sorted, and it would have been obvious at the time of invention to try an implementation in which the cards are

Art Unit: 3714

moved out of the shuffling area since one having ordinary skill in the art would have known to reverse the pick roller motors under programmed control in order to return cards to the holding area, and it would have also been obvious at the time of invention to try an implementation in which the card shuffler means or card shuffling mechanism disclosed Johnson '085 functions as a card shuffling mechanism in Albrecht since one having ordinary skill in the art would have understood that the card shuffler means would be integrated with the tray/rod/motor device requiring only minor modifications that include locating and mounting the card shuffler means therein the shuffling area of Albrecht, which shows sufficient mounting space and clearance);

a first sensor for sensing a position of cards between the card receiving area and the card randomizing system (column 7, lines 51-60, column 8, lines 6-39 and Figs. 4a-4d, 74a-b and 80, Albrecht; a first sensor or combination of sensors is configured to measure when each card has left the deck holding area and entered the card shuffling area);

a single card collection surface / a single collection surface / at least one card supporting element / a moveable lower support surface in a card collection area for receiving or accepting all randomized cards / a group of randomized playing cards, **or in other words**, within the card collection area that will support a predetermined number of cards within the card collection area to be shuffled, **or in other words**, the device moving individual playing cards one at a time directly to / into the single collection area / card collection area / single card collection surface directly from the single card receiving area to form a single randomized set of playing cards, **or**, the randomizing system moving cards directly from the receiving area to place individual playing cards into a set of randomized cards on the card collection surface, the single collection surface / collection surface receiving cards so that all playing cards / cards from the initial set of playing cards are received above the single collection surface and below the top surface of the device with access to the card collection surface being from the same top surface as the single card receiving area (Fig. 2, 36, Albrecht; a platform or single collection surface is disposed within the card mixing compartment and configured to store each card individually after the cards are loaded one at a time into the card

Art Unit: 3714

mixing area or compartment onto the platform and below the top surface, and it would have been obvious at the time of invention to try an implementation in which the platform is accessed from the same top surface as the holding means since the platform, which is the lowest moveable surface in the card mixing area, is configured to be positioned at any location in the card mixing compartment and any of those locations are accessible from the deck removal area at the desired location, and because Johnson '085 shows that a card holding area and card removal area are configured to have the same top surface (Fig. 3, Johnson '085));

an image capture device / image capture system / second sensor that reads / senses / identifies at least the rank and/or the rank and suit of each at least one card before being received on the card collection surface, **or in other words**, before it is inserted into a set of cards at a position below the predetermined number of cards, **or in other words**, after it has begun leaving the single card receiving area and before being received on the single card collection surface / card collection surface, **or in other words**, as it is moved towards, into or through the card mixing compartment, but before removal from the device (column 4, lines 49-52, column 6, lines 48-62 and Fig. 2, 24 and 26, Albrecht; an second sensor measures images to determine the rank and suit of each card before the card is transported out of the deck holding area);

an elevator for raising and lowering the single collection surface / single card collection surface or moveable support surface within the card collection area so that at least some randomized cards are elevated or raised to an elevation wherein all randomized cards may be manually removed through the gaming table surface for removal / manual removal of playing cards from the top surface of the device (column 9, lines 44-55 and Fig. 2, 44, 92, 94 and 96, Albrecht; a platform raising mechanism or elevator having a motor, rack and pinion raise the cards to the top surface at the deck removal area and lower the cards to the rest area of the platform near the bottom surface, and it would have been obvious at the time of invention to try an implementation in which the platform raising mechanism raises the stack of cards above the top surface at the deck removal area since the mechanism is configurable or

configured to travel the full length of the card mixing compartment or area, wherein the cards are removable therefrom);

a microprocessor with the memory for controlling the operation of the device / card shuffler and activating the image capture device / image capture system / second sensor upon receiving a card present signal from the first sensor (column 10, lines 18-28, Albrecht; a microprocessor has memory that stores the code configured to control operation of the shuffler and is configured to control the second sensor that captures card image data determining rank and suit of the card, and it would have been obvious at the time of invention to try an implementation in which the image capture device or second sensor is operated based on card presence or position data of the first sensor since one having ordinary skill in the art would have known to determine the position of each card via the first sensor or combination of sensors before measuring the rank and suit of each card via the image capture device or second sensor because the cards are transported one at a time or sequentially out of the deck holding area, and it would have been obvious at the time of invention to try an implementation in which the position measurement of each card via the first sensor provides the position of each card in the card shuffling area since each card position is measured sequentially and one having ordinary skill in the art would have known that each measurement can be tracked in software by the controller to count the cards and associate each card count position with the rank and suit of the card measured by the image capture device or second sensor by means of common programming without modification of the structure of shuffler);

a controller for controlling the card randomization mechanism by means of a user-manipulated remote control device (column 10, lines 3-17 and Figs. 1b and 6, 102, Albrecht; a controller in electrical communication with a user control panel for controlling the shuffler, and it would have been obvious at the time of invention to try an implementation in which the control is remote from the shuffler since the control panel is a peripheral device disposed external to the shuffler); and

a card moving sequence programmed in memory that enables the automatic card shuffler to move a set of cards from a card receiving position to a card collection

area in the shuffler in a non-shuffling event, and to read the rank and suit of each card between the card receiving position and the card collection area in the non-shuffling event (column 10, lines 3-28, Albrecht; the microprocessor utilizes a random number generator stored in memory that provides the random sequence of card shuffling after the cards leave the card holding means and before the shuffling process begins and is configured to control a second sensor that captures card image data for rank and suit of the card after the card leaves the card holding area and before the shuffling process begins).

However, Albrecht does not appear to teach the randomizing system and gripping arm as claimed. Therefore, attention is directed to Johnson '085, which teaches a randomizing system / card randomizing system / card randomization mechanism for randomizing an order / the order of an initial set of playing cards (column 2, lines 5-8 and column 4, lines 13-31 and Fig. 3, 10, 25, Johnson '085; the card shuffler means randomly sorts the order of decks of cards in a main shuffling chamber);

wherein the card mixing compartment comprises a gripping arm, the gripping arm capable of suspending cards above the opening (column 7, lines 15-27, Figs. 3 and 5, 67, 69, 71, 72, Johnson '085; a pair of gripper arms and members are configured to hold card above an opening similar to the opening disclosed in Albrecht so that a card inserted into the card mixing area is placed onto a card stack that accumulates in the chamber, and it would have been obvious at the time of invention to try an implementation in which the platform and elevator disclosed in Albrecht holds transports the stack of cards vertically in the chamber of Johnson '085 or the card mixing chamber encompassing the deck holding area in Albrecht since one having ordinary skill in the art would have known to incorporate the vertically displaceable gripping arms of Johnson '085 with the vertically displaceable threaded rod to obtain grasping of at least a portion of the cards to be held above the opening in Albrecht because it would have been an obvious design choice to integrate either the threaded rod of Albrecht or the pulley/belt system of Johnson '085 as both designs would work equally as well to

displace the gripper arms vertically so as to randomize the cards) and at least one stationary gripping element, a lower edge proximate the opening (column 5, line 60 to column 6, line 10, column 6, line 62 to column 7, line 3 and Fig. 3, 20, Johnson '085; the roller assembly or gripping element is fixed near the opening or entrance to the card mixing chamber).

Johnson '085 suggests that gambling games need efficient card shuffling devices that shuffle and supply single or multiple card packs to a user (column 1, lines 29-35 and column 3, lines 7-10, Johnson '085).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Albrecht in view of the teachings of Johnson '085 for the purpose of providing the upgradeable elevator, vertically positionable card collection surface and card mixing area threaded rod support features disclosed by Albrecht with the moveable and stationary grippers disclosed by Johnson '085 in order to make card shuffling devices more efficient.

However, Albrecht alone or in combination with Johnson '085 does not appear to teach a moveable cover as claimed. Therefore, attention is directed to Huen, which teaches

a moveable cover moveable over the elevator and fixed / hinged along one edge of the cover to the top surface (column 2, lines 16-24 and Fig. 1, Huen; the cards are forced against a lid that is fixedly hinged to the device along one of the edges of the lid so as to automatically open the lid, and it would have been obvious at the time of invention to try an implementation in which the lid is hinged at the top surface of Albrecht alone or in combination with Johnson '085 since the lid is configured to be

closed part of the time until opened and configured to provide access to the cards therein when opened, which solves the same problem desired by applicants).

Huen suggests that a card dispensing device having a compartment accessible via a lid is needed to accommodate or present a stack of cards before or after shuffling and deal or distribute cards before use so as to remove the dead time between games (column 1, lines 6-25, Huen).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Albrecht in view of the teachings of Johnson '085, and further in view of the teachings of Huen for the purpose of providing the card shuffling apparatus of Albrecht alone or in combination with Johnson '085 with the moveable cover features of Huen in order to protect cards during the shuffling process and present cards automatically to the user after shuffling.

Regarding claim 37, the scope of the claim for the method of operating the system is inherent with respect to claims 1, 23, 30, 37, 43, 45, and 55 above in view of the structure disclosed by Albrecht, Johnson '085 and Huen since the method is the normal and logical manner by which the system is employed.

Regarding claim 2, the elevator raises all randomized cards above the top surface of the device (column 9, lines 44-55 and Fig. 2, 44, 92, 94 and 96, Albrecht) and the moveable cover is automatically raised to allow the randomized cards to rise above the top surface of the device (column 3, lines 29-39 and Figs. 1 and 3, Huen).

Regarding claim 3, at least one pick-off roller removes cards one at a time from the card receiving area and moves cards one at a time towards the randomizing system and the image capture device can read a card only after it has been moved by the at least one pick-off roller (column 6, lines 63-67 and column 7, lines 51-60 and Figs. 4a-d, 60, 62, 64, Albrecht; a card feed mechanism includes plural spinning pick rollers positioned in and just beyond the holding area so as to move each card one at a time from the holding area, into the shuffling area and onto the platform, wherein the spinning roller in the holding area move the card prior to reading of rank and suit of the card by the read heads).

Regarding claim 4, at least one pair of rollers receives each card from the at least one pick-off roller before the image capture device can read each card (column 6, lines 48-67, Fig. 2, 26 and Figs. 4a-d, 60, 62, Albrecht; a card feed mechanism includes powered pick roller(s) that receives each card from a spinning roller(s) that are positioned in the holding area prior to at least one of the read heads or image capture device reading the rank and suit of each card).

Regarding claim 5, a microprocessor controls movement of the pick-off roller and the at least one pair of rollers (column 10, lines 3-28, Albrecht; a microprocessor controls the device included in the automatic sorter to perform the shuffling/sorting functions).

Regarding claims 7 and 8, one card at a time is positioned into a randomized set of playing cards over the collection surface, **or in other words**, the randomization system moves one card at a time into an area overlying the collection surface, which occurs after the one card has been read for suit and rank (column 6, lines 63-67, column 8, lines 6-31 and column 9, lines 40-43 and Fig. 2, 36, Albrecht; a platform or single collection surface is disposed within the shuffling area and configured to store each card individually after the cards are loaded one at a time into the shuffling area onto the platform via the card feed mechanism).

Regarding claim 12, the card collection surface is moved by a motivator that is able to move incremental vertical distances that are less than the thickness of a playing card (column 9, lines 8-14, Albrecht; it is known in the art to calibrate devices relative to the thickness of the material that the device manipulates).

Regarding claim 13, the motor is a stepper motor or an analog motor (column 9, lines 22-26, Albrecht).

Regarding claim 22, a microprocessor is controllably connected to the device, the microprocessor directing movement of playing card moving elements within the device, the microprocessor randomly assigning potential positions for each card within the initial set of playing cards, and then directing the device to arrange the initial set of playing cards into those randomly assigned potential positions to form a randomized final set of playing cards with each card in the randomized set having been read for at least rank (column 7, lines 51-60, column 8, lines 6-39, and column 10, lines 3-28, Albrecht; a microprocessor included in a controller controls position or presence sensors so as to randomly determine card positions from the original deck of cards placed in the holding area).

Regarding claim 29, a memory records the reading of each at least one card inserted into a set of cards and the position of each card within the final set of cards is identified to create an index of all cards in a final set of cards (column 6, lines 48-62, column 7, lines 51-60, column 8, lines 6-39 and column 10, lines 3-28, Albrecht; the rank and suit of cards are read by read heads or image capture devices and a first sensor or combination of sensors measure the position of each card with respect to when each card has left the deck holding area, wherein the read heads read rank and suit and the combination of sensors measure position before the cards enter the shuffling area under the control of program stored in memory that instructs a controller to perform sensing functions).

Regarding claim 6, when a first card being moved by the pick-off roller is being moved by the at least one pair of rollers, movement of the pick-off roller is altered so that no card other than the first card is moved by either the pick-off roller or the at least one pair of rollers (column 6, lines 1-10 and column 7, lines 4-6 and lines 48-55, Johnson '085).

Regarding claim 9, the collection area is bordered on two opposed sides by two movable card gripping elements (column 5, lines 29-35 and Fig. 5, 69 and 72, Johnson '085).

Regarding claim 10, an insertion point to the card collection area is located below a bottom edge of the two movable card gripping elements (column 7, lines 19-23 and Fig. 8, 25 and 34, Johnson '085).

Regarding claim 11, the card collection surface is vertically positionable within the card collection area (Figs. 7-10, 25, Johnson '085).

Regarding claim 24, at least one card supporting element comprises an element on at least one side of the card collection area that can move inwardly within the card collection area to contact and support the predetermined number of cards within the card collection area (column 5, lines 29-35, column 7, lines 11-15 and Fig. 5, 69 and 72, Johnson '085).

Regarding claim 25, the at least one card supporting element comprises at least two opposed card supporting elements that move inwardly within the card collection area to contact and support the predetermined number of cards within the card collection area (column 5, lines 29-35, column 7, lines 11-15 and Fig. 5, 69 and 72, Johnson '085).

Regarding claim 38, after a card has been inserted, and when a presence of at least one additional card in the card in-feed tray is sensed, the elevator moves to another randomly determined height, creating another opening (column 7, lines 9-23 and lines 44-55 and Figs. 7-10, Johnson '085; process of randomization is repeated).

Regarding claim 44, an automatically movable cover is closed at least part of the time over at least one of the card receiver and collection surface (column 2, lines 16-24 and Fig. 1, Huen; the cards are forced against the lid to automatically open the lid, the lid being closed part of the time until opened).

Claims 14-21 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Johnson '085, further in view of Huen and even further in view of Purton et al. (International Patent Application Publication WO 00/51076; hereinafter Purton). Features are described by figures with reference characters where necessary for clarity.

Albrecht alone or in combination with Johnson '085 and Huen teaches features of the claimed invention as described above.

However, Albrecht alone or in combination with Johnson '085 and Huen does not appear to teach a sensor as claimed. Therefore, attention is directed to Purton, which teaches

Regarding claim 14, a sensor is present along a line of movement of cards in the device within the single card receiving area or adjacent the single card receiving area and after the image capture device, the sensor indicating a trigger position of a moving

Art Unit: 3714

card to initiate a timed capture of an image by the image capture device (column 10, lines 10-14 and Fig. 6, 153 and 156, Purton).

Purton suggests that a device is needed for card inspection or sorting so as to ensure that a deck of cards is properly integrated with no extra cards and without manual inspection (column 1, lines 9-26, Purton).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Albrecht in view of the teachings of Johnson '085, further in view of the teachings of Huen, and even further in view of Purton for the purpose of exchanging the interchangeable features of the card shuffling apparatus of Albrecht alone or in combination with Johnson '085 and Huen with the features of Purton to provide card placement within the card collection area in order to automate the process of integrating cards to eliminate the need for manual inspection.

Regarding claim 15, at least one microprocessor is present in the device and the at least one microprocessor controls vertical movement of the card collection surface and camera triggering (column 12, lines 18-27, Purton).

Regarding claim 16, at least a second sensor identifies the position of the card collection surface so as to place a top card in the collection area at a position that is level with or above the bottom of at least one card gripping element that is movable from at least one side of the collection area towards playing cards within the card collection area (column 8, line 22 to column 9, line 3 and Fig. 6, 153 and 156, Purton).

Regarding claims 17 and 26, the microprocessor is communicatively connected to the device and programmed to determine a distance that the card collection surface

must be vertically moved to position at least one specific card at a bottom edge of the at least one card gripping / supporting element when the card gripping / supporting element moves to contact cards within the card collection area (column 6, lines 19-23 and Fig. 4, 116, Purton).

Regarding claim 18, at least one card gripping element comprises at least two gripping elements, at least one of which moves from a side of the collection area towards playing cards within the card collection area (column 7, lines 20-27 and Fig. 4, 127, Purton; rollers are elevated away from the cards and inherently may be lowered to the cards).

Regarding claims 19, 21 and 28, the microprocessor directs movement of an individual card into a gap in cards in the collection area between two segments of cards created by support of cards by at least one card gripping element (column 4, line 27 to column 5, line 4, column 8, lines 5-13 and Figs. 1 and 5, Purton; the gap is formed just before the card is moved to a position in the collection area).

Regarding claims 20 and 27, the microprocessor communicatively connected to the device is programmed to lower the card collection surface within the card collection area after the at least one element / card supporting element has contacted and supported cards within the card collection area, creating two segments of cards and a gap between the segments (column 6, lines 5-11 and Fig. 2, 20, Purton; the segments of cards and gap between segments is formed just after the card collection surface is lowered).

Response to Arguments

Applicants' arguments filed in the Response dated 10/9/2008 directed to the Examiners' rejection under 35 U.S.C. § 103(a) have been considered fully and are moot

in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth above in view of applicants' amendments and in view of applicants' arguments thereof.

Examiner has provided the above new grounds of rejection of the claims under 35 U.S.C. 103(a) because each of the features of applicants' claimed invention continues to be unpatentable or obvious over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A US-4,513,969, Samsel, Jr.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARTHUR O. HALL whose telephone number is (571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

/A. O. H./
Examiner, Art Unit 3714

Application/Control Number: 10/623,223
Art Unit: 3714

Page 21